

Mining has left a permanent imprint on this country. Yes, it has led to increased economic gain and the development of the western United States. At the same time, it has had negative impact on our public lands. As Members of Congress, we are stewards of this Federal land. We have the responsibility to update our laws so that the mining industry helps ensure that our public lands and natural resources are preserved for future Americans.

I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation which imposes an 8 percent gross tax on all new mining claims made on Federal lands and will cause a significant reduction in domestic mineral production and future mining investments in the United States of America.

I do appreciate the lip service that the Democrat majority regularly pays to making America the top-ranked nation in the world on a number of fronts. However, after managing over what will surely rank as the least effective Congress in recent memory, I am surprised that there isn't more disappointment on their side of the aisle with this legislation because this bill fails to set new global standards for the highest tax on mining on the planet; it merely matches Germany's, which already holds the world record for the highest mining tax at 8 percent of gross receipts. Once again we see the new Democrat majority trying to equal what is done in the United Kingdom and across Europe, including Germany.

In the Committee on Natural Resources hearing held on this matter on October 2, James Cress testified: "I am only aware of a single royalty that is as high as the royalty proposed in this bill, just one in my 20 years of practice. An 8 percent royalty would really be ruinous."

I suppose that neither Mr. Cress nor anyone watching this debate should be surprised, though. In what will surely go down as the least-productive Congress in recent history, this new Democrat majority has failed for the first time since 1987 to even send a single appropriations bill to the President for his approval by this point in the year.

This is the same Democrat majority that recently set another record of dubious distinction, a record for the most legislative "busy work" with the least amount to show for it. Since the beginning of this Congress, Members of this House have voted on over 1,000 roll call votes with just barely a tenth of those bills having been signed into law.

And of the 106 bills that have actually made it to the President's desk, 46 named post offices, courthouses or roads; 44 bills were noncontroversial measures sponsored by Republicans or passed with overwhelming GOP sup-

port; and 14 bills extended preexisting public laws or laws passed during the Republican-led Congress.

Mr. Speaker, I understand that with a track record as abysmal as this, the Democrat majority is eager to put just about anything on the floor in the hopes of claiming any kind of legislative victory. Unfortunately, the policies included in this legislation are quite simply wrong for America that will jeopardize the current and future domestic sourcing of minerals that are critical to our Nation's economic well-being and security.

In addition to imposing the world's highest royalty on mineral production, this legislation would also retroactively levy a 4 percent gross royalty on existing mines where business plans and investments have already been made without accounting for this after-the-fact cost. This provision, which is of doubtful legality but is doubtlessly unfair, is the legislative equivalent of one party changing the terms of a contract after it has already been signed. I believe that the Federal Government abusing its power to change the negotiated terms of these agreements is simply unfair, and I oppose it.

I also disagree with the inclusion of several provisions in this legislation that would empower political appointees to stop new mining projects even after these projects have met all applicable environmental and legal requirements.

No industry can or should be expected to operate with such regulatory uncertainty, and the net effect of all of these provisions will simply be to encourage companies to take their business overseas.

Mr. Speaker, I oppose this rule and the underlying legislation that harms the domestic American mining industry.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. COSTA), the Energy and Mineral Resources Subcommittee chairman.

Mr. COSTA. I thank the gentlewoman from California (Ms. MATSUI) for yielding me the time.

Mr. Speaker, let me first thank the Rules Committee for their cooperation and assistance in bringing this bill to the floor today. Mr. Speaker, I think there are many reasons why we should support the rule proposed for H.R. 2262. Most important among them is what I believe is a sound, solid legislative process that has led to the amended version of H.R. 2262 that we have before us today.

Now, with deference to my colleague who just spoke, let me be clear that the process has worked. Proper order has been followed. We have worked on this issue for most of the last 10 months with the subcommittee that I chair, the Subcommittee on Energy and Minerals on Public Lands.

The Subcommittee on Energy and Minerals on Public Lands has the jurisdiction to provide a balance. This balance we talk about often in the subcommittee. It is a challenging balance because on the one hand we are to protect and preserve the natural heritage of our Nation's public lands for all of our citizens to enjoy in perpetuity, and to ensure that those public lands remain available for all generations of future Americans to benefit from.

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There are many numerous ways in which we benefit from them. We know historically that those public lands have played a very meaningful role in our Nation's development, and it's that balance.

In this case, the subcommittee knows that the energy and the mineral developments that took place in the 19th and the 20th century were key and critical to the development, economically, of our Nation, and they also had obviously a very important role in the social development as well because if it were not for the discovery of gold in the 19th century in California and the opportunities that discovery brought forth, as in all the other minerals and energy that have been discovered on public lands in the 19th and 20th century, we would not have seen the opening of the West.

So, therefore, our subcommittee and the members on the subcommittee are very mindful of the fact that we have this dual role: balancing the resources that provide important energy and minerals to our Nation's wealth and at the same time preserving and protecting those same public lands to ensure that, in fact, they will be available for future generations of Americans to come.

And, yes, one other thing, when those public lands are being used in that dual role, since they belong to all Americans, that, in fact, all Americans are able to derive some benefit of the wealth that is derived from the utilization of those public lands for either mineral resource or for energy development because, remember, these lands belong to all Americans, unlike private holdings.

So when I took over the subcommittee chairmanship early this year, this issue clearly was going to be one of the issues that Chairman RAHALL wanted to address. Why? Well, for two decades, Chairman RAHALL has attempted to reform this law. This is not a new issue. Let's be clear about this. This is no rush to judgment of some issue for the sake of having an issue on the floor.

The mining law that was put together in 1872, signed by then-President Ulysses S. Grant, has not been changed, modified in shape or form since President Ulysses Grant signed it into law in 1872.

Back in the late 1970s and 1980s, Chairman RAHALL, Congressman RAHALL from West Virginia, a person who